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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/804,696	03/19/2004	Salvatore Sabbatino	871-011743-US(PAR)/360212	9153
2512	7590	01/24/2006		
PERMAN & GREEN 425 POST ROAD FAIRFIELD, CT 06824			EXAMINER VU, JIMMY T	
			ART UNIT 2821	PAPER NUMBER
DATE MAILED: 01/24/2006				

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/804,696

Applicant(s)

SABBATINO ET AL

Examiner

Jimmy T. Vu

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on Amendment filed 10/26/05.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,9-11 and 18 is/are rejected.
- 7) ☒ Claim(s) 2-8 and 12-17 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>4/16/04</u> . | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Response to Arguments***

Applicant argues:

Reedy fails to disclose or suggest respective separate compartments for the laser source and the laser driver. Applicant also states "a laser driver is generally a device that supplies current to a laser diode".

Examiner disagrees:

Reedy teaches the laser source (20) and the laser driver (34) (as shown in Figs 2A, 2B). The laser driver could be any driver, which drives the laser inside the laser system. The term "driver" should be declared more detail in the claim to overcome the prior art using for rejection in the previous Office Action.

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 9-11 and 18 are rejected under 35 U.S.C. 102(b) as being anticipated by Reedy (U.S. Patent number 6,583,445 B1).

Regarding claim 1, Reedy discloses a transmitter optical sub assembly (10) (Figs. 2A, 2B) including a laser source (20) (Figs. 2A, 2B) having associated therewith a laser driver (34) (Fig. 3A) as well as a package for said laser source and said laser driver, wherein said package includes respective separate compartments for said laser source and said laser driver, the laser source and the laser driver being arranged in said separate compartments whereby said laser source is exempt from being directly irradiated by said laser driver (Figs. 2A-2C, 3A-3E, col. 15, lines 55-65, col. 16, lines 1-65).

Regarding claim 9, Reedy discloses the assembly wherein said package includes compartment for hosting said laser source together with alignment optics associated therewith (Figs. 2A-2C, 3A-3E).

Regarding claim 10, Reedy discloses the assembly wherein the compartment provided in said package for said laser driver defined by base member extending from the body of the package (Figs. 2A-2C, 3A-3E).

Regarding claim 11, Reedy discloses the assembly wherein the compartment provided in said package for said laser driver defined by base member exempt from boundary walls (Figs. 2A-2C, 3A-3E).

Regarding claim 18, Reedy discloses a transmitter optical sub assembly (10) (Figs. 2A, 2B) including a laser source (20) (Figs. 2A, 2B) having associated therewith a laser driver (34) (Fig. 3A) as well as a package for said laser source and said laser

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driver, wherein said package includes respective separate compartments for said laser source and said laser driver, the laser source and the laser driver being arranged in said separate compartments whereby said laser source is exempt from being directly irradiated by said laser driver, and said compartment provided in said package for said laser driver is defined by a base member exempt from boundary walls (Figs. 2A-2C, 3A-3E, col. 15, lines 55-65, col. 16, lines 1-65).

***Allowable Subject Matter***

3. Claims 2-8, 12-17 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

None of the prior art teaches the assembly wherein the package includes a package wall opaque to IR emission separating the laser source and the laser driver, and wherein the package is essentially comprised of shaped body of an IR opaque material, ceramics material, or alumina.

***Conclusion***

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.


5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jimmy T Vu whose telephone number is (571) 272-1832. The examiner can normally be reached on M - F: 9 - 6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Don Wong can be reached on (571) 272-1834. The fax phone numbers for the organization where this application or proceeding is assigned are (571) 273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-2800.

Jimmy Vu

January 17, 2006



**THUY V. TRAN**  
**PRIMARY EXAMINER**